

---

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, NORTHERN DIVISION

---

AMERICAN GENERAL LIFE  
INSURANCE,

Interpleader Plaintiff,

v.

DONNA PASALANO, GEORGE A.  
PASALANO, and JESSICA MULVIHILL,

Interpleader Defendants.

**ORDER**

Case No. 1:15-cv-00026

Judge Clark Waddoups

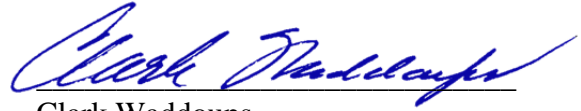
This matter is before the court on Interpleader Defendant Donna Pasalano's motion for summary judgment (Dkt. No. 29). Interpleader Defendants George Pasalano and Jessica Mulvihill oppose the motion and have submitted a motion under Rule 56(d) of the Federal Rules of Civil Procedure. (Dkt. No. 30). A hearing on the motions was held before the Honorable Clark Waddoups on February 23, 2016. Brandee R. Lynch appeared on behalf of Ms. Pasalano and Mary C. Rutledge appeared on behalf of Mr. Pasalano and Ms. Mulvihill. After due consideration of the parties' filings and oral arguments, and otherwise being fully advised,

IT IS HEREBY ORDERED, for the reasons stated on the record, that Ms. Pasalano's motion for summary judgment is **GRANTED**. Mr. Pasalano and Ms. Mulvihill's Rule 56(d) motion is **DENIED**. Ms. Pasalano's request for attorney fees is denied without prejudice to refiling. Ms. Pasalano is entitled to costs incurred in pursuing this action. No issues, other than the collateral issue of attorney fees, remain. *See Graham v. Hartford Life & Accident Ins. Co.*, 501 F.3d 1153, 1163 n.11 (10th Cir. 2007). Judgment for the proceeds of the American General Life

Insurance Policy Number 1313348, which have been deposited into the court's registry, will be entered in favor of Ms. Pasalano.

DATED this 23<sup>rd</sup> day of February, 2016.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Clark Waddoups", is written over a horizontal line.

Clark Waddoups  
United States District Court Judge